

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PETER KIEWIT SONS', INC., and
KIEWIT CORPORATION,**

Plaintiffs,

VS.

ATSER, LP,

Defendant.

8:08CV541

ORDER

This matter is before the court on the plaintiffs' Objection ([Filing No. 73](#)). The plaintiffs seek a briefing schedule related to the defendant's request for payment ([Filing No. 62](#)). Previously, the court entered an order ([Filing No. 70](#)) scheduling briefing related to an earlier request for payment ([Filing No. 41](#)). Rather than initiate a second briefing schedule, the court will amend the April 15, 2009 Order to extend the schedule and include the issues related to the later request for payment. Accordingly,

IT IS ORDERED:

1. The April 15, 2009 Order ([Filing No. 70](#)) is amended as follows.
2. The plaintiffs' Objections to the interim payments ([Filing Nos. 51](#) and [73](#)) shall be resolved pursuant to the following briefing schedule:
 - a. The plaintiffs shall file a brief by May 8, 2009.
 - b. The defendant shall file a response brief by May 26, 2009.
 - c. The plaintiffs may file a reply brief by June 2, 2009.
3. Briefs shall set forth the basis for the reasonableness of the charges contained in the February 10, 2009, request for interim payment ([Filing No. 41](#)) and the April 6, 2009, request for interim payment ([Filing No. 62](#)), and shall include a detailed analysis of the charges, including pinpoint citations to supporting authorities and any supporting documents filed with an index of evidence. **See** [NECivR](#) 7.0.1. Any request for hearing should be stated in the brief. **See** [NECivR](#) 7.0.1(d) and (e).

DATED this 22nd day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge